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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,959	03/21/2000	Atsushi Mizutome	35.C14358	6913
5514	7590	02/25/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CHUNG, JASON J	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 02/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/531,959

Applicant(s)

MIZUTOME ET AL.

Examiner

Jason J. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 1-38,40-44,57 and 60-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39,45-56,58,59 and 65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/3/04 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 39, 45-56, 58-59, 65 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 39, 45-50, 52-55, 65 are rejected under 35 U.S.C. 102(b) as being anticipated by Klosterman (US Patent # 5,550,576).

Regarding claim 39, Klosterman discloses reception means 20 for receiving a television signal (column 5, lines 13-26).

Klosterman discloses input means for entering first program information data and second program information data (e.g. cable and DBS: column 2, line 62-column 3, line 9), which indicate information relating to a same (duplicate network names) program (column 6, lines 48-56).

Klosterman discloses designation means for designating desired program (automatically note: column 6, lines 48-49) information from the first program information data and the second program information data entered by the input means (column 6, lines 48-56)

Klosterman discloses integration means for producing integrated program information data by extracting program data from the second program information data and complementing the first program information data with the extracted program data (automatically noting, deleting duplicates, and automatically lining up based on user's habits: column 6, lines 48-56), based on the desired (user habits) program information designated by the designation means.

Klosterman discloses display means for displaying the first program information data and the second program information data integrated by the integration means (figure 2; column 6, lines 48-56).

Regarding claims 45-46, Klosterman discloses the remote control can be used to obtain additional information about the show that includes a brief description of a story may be placed in the grid guide (column 7, lines 19-38), which meets the limitation on the second program information data indicating the detailed information of the program and the second program information data include at least a text explaining the outline of the program.

Regarding claim 47, Klosterman discloses instruction means for instructing a producing operation by the integration means and input control means for controlling the input means in

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such a manner as to enter the second program information data (program from second source is part of user's habit) in response to the instruction by the instruction means (column 6, lines 48-56).

Regarding claim 48, Klosterman discloses setting means for setting a range (habits) of producing operation by the integration means and the input control means is adapted to control input means in such a manner as to enter the second program information data corresponding to the range set by the setting means (column 6, lines 48-56).

Regarding claim 49, Klosterman discloses instructing means for instructing a producing operation by the integration means (e.g. cable and DBS: column 2, line 62-column 3, line 9).

Klosterman discloses setting means for setting a range of the producing operation by the integration means (user's habit: column 6, lines 48-56).

Klosterman discloses the integration means is adapted to produce the integrated program information data corresponding to the range set by the setting means (column 6, lines 34-56).

Regarding claim 50, Klosterman discloses the setting means (channels lined up based on user's habit) is adapted to set a channel (column 6, lines 48-56).

Regarding claim 52, Klosterman discloses integration means is adapted to produce the integrated program information data relating (habits: column 6, lines 50-52) to a currently observed program (overlay: column 6, lines 57-67).

Regarding claim 53, Klosterman discloses designation means for designating a range (user's habits) of the producing operation by the integration means within the information relating to the first program information data and display by the display means (column 6, lines 34-56).

Klosterman discloses the integration means is adapted to produce the integrated program information data according to the designation by the designation means (column 6, lines 34-56; figure 2).

Regarding claim 54, Klosterman discloses the designation means (channels lined up based on user's habit) is adapted to designate a channel (column 6, lines 48-56).

Regarding claim 55, Klosterman discloses the integration means is adapted to produce the integrated program information data in such a manner as to display program information integrating the first and second program information data in a display frame (figure 2) for displaying the information relating the first program information data and corresponding to the range (user's habits) designated by the designation means (column 6, lines 34-56).

Regarding claim 65, Klosterman discloses the program guide information is provided by the source of the programming such as by two different satellites (column 2, line 62-column 3, line 9), which meets the limitation on first program information data and second program information data are input by a same broadcast system.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman.

Regarding claim 56, Klosterman discloses the range (user's habits) determines what programs are displayed (column 6, lines 48-56), which meets the limitation on integration means is adapted to a display frame for displaying the information relating the first program information data and corresponding to the range designated by the designation means, and to produce the integrated program information data in such a manner as to display program information integrating the first and second program information data in the display frame.

Klosterman is silent on expanding the display frame. The examiner takes Official Notice that expanding the size of a window or GUI is notoriously well known in computer display arts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to expand the display frame in order to give the user a bigger and more readable display.

5. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Yoshinbo (US Patent # 5,686,954).

Regarding claim 51, Klosterman fails to disclose a program guide displaying a program guide in a time zone closest to the current time. Yoshinbo discloses the user can display the program guide in a certain time zone (column 21, lines 43-54), which meets the limitation on a time zone close to the current time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to have the program guide displayed in a time zone close to the current time as taught by Yoshinbo in order to prevent the user from tuning to the program during a different time because of confusion from time zones.

6. Claims 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Schein (US Patent # 5,801,787).

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Regarding claims 58-59, Klosterman fails to disclose a search condition. Schein discloses search condition setting means for setting search condition (column 5, line 55-column 6, line 30).

Schein discloses the integration means is adapted to execute search in the second program information data according to the search condition set by the search condition setting means, and to produce the integrated program information data based on the result of the search (column 5, line 55-column 6, line 30; figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman to have a search as taught by Schein so the user is aware of the future showings from certain sources.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC



**HAITRAN**  
**PRIMARY EXAMINER**